

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Shawn Kierstead

v.

Civil No. 05-cv-432-JD

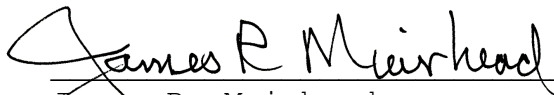
Warden, Northern New Hampshire  
Correctional Facility

**REPORT AND RECOMMENDATION**

*Pro se* petitioner Shawn Kierstead has failed to comply with the Court's order dated January 27, 2006, ordering him to file an amended petition for a writ of habeas corpus or notify the Court that he is either withdrawing his unexhausted claims or proceeding in state court to exhaust them. The petitioner was placed on notice that in the event he failed to comply with the court's order, the case would be referred to a judicial officer for dismissal without prejudice.

The petitioner failed to meet the deadline set forth in the Court's order. It is recommended that this case be dismissed without prejudice. Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified

time waives the right to appeal the district court's order. See  
Unauthorized Practice of Law Committee v. Gordon, 979 F.2d 11,  
13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d  
4, 6 (1st Cir. 1986).

  
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James R. Muirhead  
United States Magistrate Judge

Date: March 13, 2006

cc: Shawn Kierstead, *pro se*